

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO.1388/2006
(Subodh Kumar Vs. State of Rajasthan and Anr.)

Date of Order : 26/10/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. O.P.Mehta for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No. 125/06 Police Station, Ladnu, district Nagaur.

I have heard learned counsel for the petitioner and the public prosecutor for the State. Carefully gone through the FIR lodged by the complainant.

Learned counsel for the petitioner has relied on a decision of this Court in Dinesh Kumar Sharma and Ors. Vs. State of Rajasthan and Ors. 2006 (1) Cr.L.R. (Raj.) 822 and contended that the marriage between the parties was solemnized at Agra and if there was any cruelty or harassment, then it was at Agra and therefore, the Court at Ladnu has no jurisdiction.

The judgment relied on by learned counsel for the petitioner is of no help to the petitioner for the reason that provision of sub-section (4) of Section 181 Cr.P.C. has not been brought to the notice and as such has not been considered.

Sub-section (4) of Section 181 Cr.P.C. Provides that any offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or any part of the property which is the subject of the offence was received or retained, or was required to be returned or accounted for, by the accused person.

A bare reading of the FIR it appears that though the marriage of the complainant and the petitioner was solemnized other than the place at Ladnu in whose jurisdiction of the police station, the FIR has been registered but the averment in the FIR clearly shows that the petitioner not being satisfied with the dowry articles, subjected the complainant to harassment and cruelty and was ultimately turned out of her matrimonial home, she somehow managed to travel to Ladnu and came over to Ladnu. However, she was again persuaded to go to her in-laws' house at Gwalior. She went with the petitioner at Gwalior, there again she was subjected to harassment and cruelty on 5.12.1995 and an attempt was made to her life by closing her in a room, sprinkling kerosene oil and putting her to fire,

however, she somehow was rescued by the neighbours. On 6.12.1995 she came along with her sister's husband Rajkumar at Ladnu and where-from she has demanded her Stridhan, the ornaments and dowry articles etc., which were entrusted to the petitioner and which the petitioner declined to return and as such committed the offence of criminal misappropriation or the criminal breach of trust and therefore, keeping in view the provisions of Sub-section (4) of Section 181 Cr.P.C., the cause of action arose to the complainant at Ladnu because the property which is subject of the offence has been retained by the petitioner and was required to be returned or accounted for by the accused person at Ladnu. In this view of the matter, no case for quashing the FIR on the ground of jurisdiction is made out.

The petition has no force and it is therefore, dismissed.

(H.R.PANWAR),J.